

**NWIFCA Technical, Science and Byelaw
Sub-Committee**

11 December 2012: 2.00.p.m.

**AGENDA
ITEM NO.**

7

REMOVAL OF UNDERSIZE AND SEED MUSSEL FROM FOULNEY TWIST

Recommendation

- 1. That the Authority considers the merits of authorising the hand-gathering of undersize and seed mussel from Foulney Twist in order to release the commercial value of the stock to fishers.**
- 2. That the Authority gives delegated powers to Officers to authorise hand-gathering of seed mussel across defined areas of beds in Morecambe Bay as and when stocks are available, in consultation with local fishers.**

Details

NB: For the purposes of this report undersize mussel shall be referred to as 'part-grown' and is around 40mm in length; 'seed' mussel refers to smaller mussel of around 15 – 20 cm length.

1. There are a number of different issues to be discussed in considering whether or not to authorise this fishery. There are differing views amongst our fisher stakeholders, some of whom are in favour whilst others opposed the proposal. The purpose of this report is to outline the different issues so that the TSB Committee can make an informed decision.
2. There has been an enormous demand for part-grown and seed mussel this year to satisfy the requirement on mussel lays across the UK due to lack of mussel settlement nationally. Just under 12400 tonnes of seed has been fished by boat dredge from the South America / Falklands beds in north Morecambe Bay. A hand-gathering fishery was authorised at Heysham Flat in September / October, where between 150 – 200 tonnes of seed was fished.
3. Since early October Officers have been approached by some members of the shellfish industry for authorisation to hand-gather part-grown and seed mussel from Foulney Twist near Barrow (Figure 1) as there is still a demand for mussel for relaying, particularly in Northern Ireland and Eire. Orders exist for part-grown mussel for relaying in England, which is fetching up to £300 per tonne for the best quality mussel. One operator from Northern Ireland has room on his lays for up to 3000 tonne of seed were it to be available, and Officers are aware that other mussel aquaculture businesses would be interested.
4. Under the existing management regime for shellfish within Morecambe Bay, Officers require agreement from the Authority on a bed by bed basis before authorising hand-gathering of any undersize mussel. This process can create a time-lag when there is industry interest in a particular fishery, which can sometimes run the risk of stocks being washed out by winter storms and lost to the commercial fishery before a decision can be made.
5. Officers are looking towards managing all fisheries within the District through more clearly defined management plans in order to reduce paperwork and uncertainty, and increase

efficiency and confidence amongst stakeholders. A suite of adaptive management measures could be agreed by the Authority and stakeholders and incorporated into such plans.

6. This style of adaptive management provides more flexibility than has previously been possible and is reflected in the proposals detailed in the Morecambe Bay Hybrid Order Management Plan. This proposal therefore is required by Officers as a management tool in the meantime until the Order is made and can be implemented.
7. Any such proposed fishery would still be subject to Habitats Regulations Assessment and agreement with Natural England.

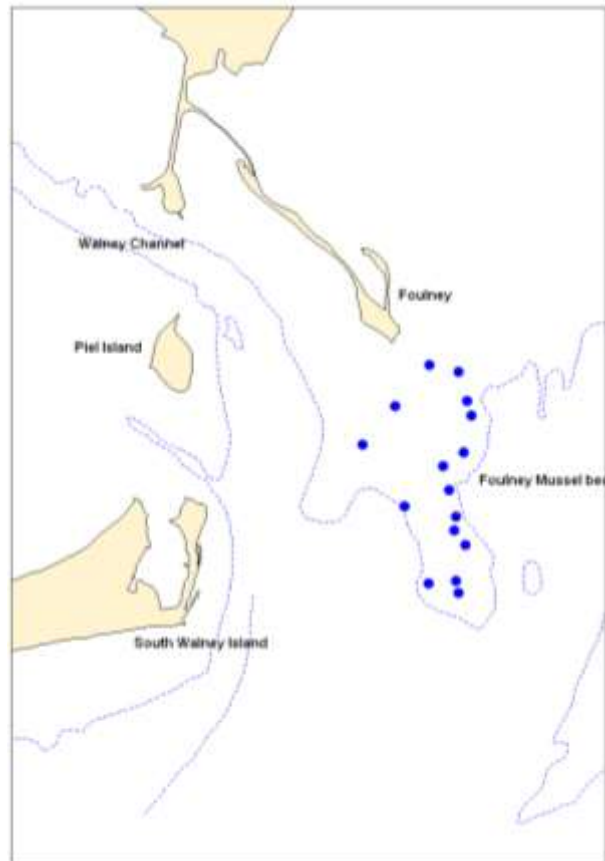


Fig. 1. Illustration of position of Foulney Twist Mussel bed.

2. Foulney Twist Mussels

8. It has long been purported that mussels within the Walney Channel, from Foulney Twist to Walney Meetings, suffer from pearling once they reach a certain age / size – generally around 18 months and <45mm. In the early 1900s Henry Lyster Jameson had been studying pearl-formation and continued this research at the Lancashire Sea Fisheries Station in Piel Island, Barrow-in-Furness, developing the parasitic theory of pearl-formation in the edible mussel. It is understood that this theory has never been definitively proven. Pearling in Foulney mussels has been mentioned more recently in NW&NWSFC reports from June 2008 and August 2009. Once pearling has occurred the mussels lose their commercial value. Officers are currently supervising one of the Wildlife Trust Marine Graduates in conducting a desktop study into current research and knowledge on the causes of and methods of farming mussels to avoid pearling.

9. Commercial stocks are also affected when mussel washes out and is lost to the fishery. The Authority has had a general policy of permitting harvesting of seed mussel from 'ephemeral' mussel beds. Although not classed as an ephemeral bed it is known that scouring does occur on the more exposed areas at Foulney as can be seen in Figure 2, a photograph of the southern end of the bed provided by local fishers showing recent washing out. There are also records from NW&NWSFC of mussels being washed from Foulney in 1967, 68, 70 and 1981 – 86 inclusive.



Fig. 2. Foulney Twist seed mussel wash-out areas November 2012
(photograph courtesy of local fishermen).

10. Fishing for size mussel is open throughout the NWIFCA District. At present there are significant stocks of both part-grown and seed mussel on the skear. It would not be possible to enforce the fishing of one size and not the other. If the TSB were to recommend authorising this fishery it would be to derogate against the minimum size limit in Byelaw 3 ie. allowing the fishing of any mussels under 45mm.
11. Initially the proposal presented to Officers was for a relatively low key fishery of up to 30 fishers for the part-grown mussel. This dense mussel is located at the southern-most extremity of the bed and only uncovers and becomes accessible to hand-gatherers on certain tides of around 1m or less (Figure 3). This limited access would naturally restrict the number of fishing days. As the mussel is underwater for much of the time, it is said to be fast growing and could well reach size by the end of February depending on the weather and water temperature. However some fishers consider this area to be most at risk from scouring.



Fig. 4. Illustration of the density of the seed mussel at Foulney Twist November 2012 (photograph courtesy of local fishermen).

12. A further stock of seed mussel is located higher up the skear and can be accessed on almost all tides. This area is more protected and is not considered to be likely to wash out. There is considerable interest from Byelaw 3 permit holders in fishing this seed, especially in view of the fact that all of NWIFCA's cockle beds will have closed by 13th December.
13. To date (28.11.12) 244 Byelaw 3 permits have been issued, with the possibility of another 57 being processed in the near future. The potential for Foulney to become a large scale fishery is clear.
14. Foulney Island lies within the Morecambe Bay European Marine Sites as an SAC for habitats and an SPA for bird species, and is also a SSSI. It is leased and managed by Cumbria Wildlife Trust. There have been major issues over access to the skear by quad bikes and fishers in the past, partly due to the vegetated shingle which is considered a 'nationally important' habitat and during the spring and summer returning migratory terns nesting amongst the shingle. A designated access route to the mussel bed has been implemented for a number of years, avoiding the most sensitive features. This begins on Coast Road at Rampside opposite the golf course (Figure 4) and runs over the sands out towards the skear.
15. There is some parking along Coast Road which is a straight stretch of 50 mph road but if interest in the fishery is significant there will be issues concerning tonning up areas, road safety and disturbance to local residents. Barrow Borough Council have no restrictions or permit schemes in place in relation to beach access.
16. It could be possible to restrict the removal of mussel from the bed by boat only – however this would not solve the parking / road safety issue nor the potential impact of large numbers of ATVs and tractors crossing the skear.
17. In carrying out the Habitats Regulations Assessments for the Heysham Flat hand-gathering fishery and the South America dredge fishery in assessing the impact of the removal of seed on SPA birds that feed on small mussels in Morecambe Bay (in particular eider ducks) Officers considered the mussel resource on Foulney as mitigation against authorising those fisheries. In view of the considerable interest from fisher stakeholders, Officers would propose that a

limit would need to be set on the amount to be fished, in consultation with Natural England, should the TSB recommend opening this fishery.

18. The NW&NWSFC authorised removal of seed mussel from Foulney Twist in the past and so a precedent exists. On 14th March 2008 they approved the removal of 400 tonnes over a 5 hectare area which was suffering wash out, and the fishery opened from 14th April to 30th May. The fished mussel was removed by boat and the access to the bed by ATV was restricted in order to protect the (summer) nesting terns on the shingle beach.

In December 2008 the NW&NWSFC authorised a further hand-gathering fishery of seed at Foulney for one week with a TAC of 500 tonnes agreed with Natural England.

19. At the September 2009 meeting of the NW&NWSFC Science Officers requested and received delegated powers to authorise a seed mussel fishery at Foulney in order to be able to respond to applications to fish quickly to avoid missing valuable fishing opportunities. Officers request that the NWIFCA ratifies this decision and extends it to all mussel beds within Morecambe Bay to be assessed on an individual basis each year, in consultation with local fishers.

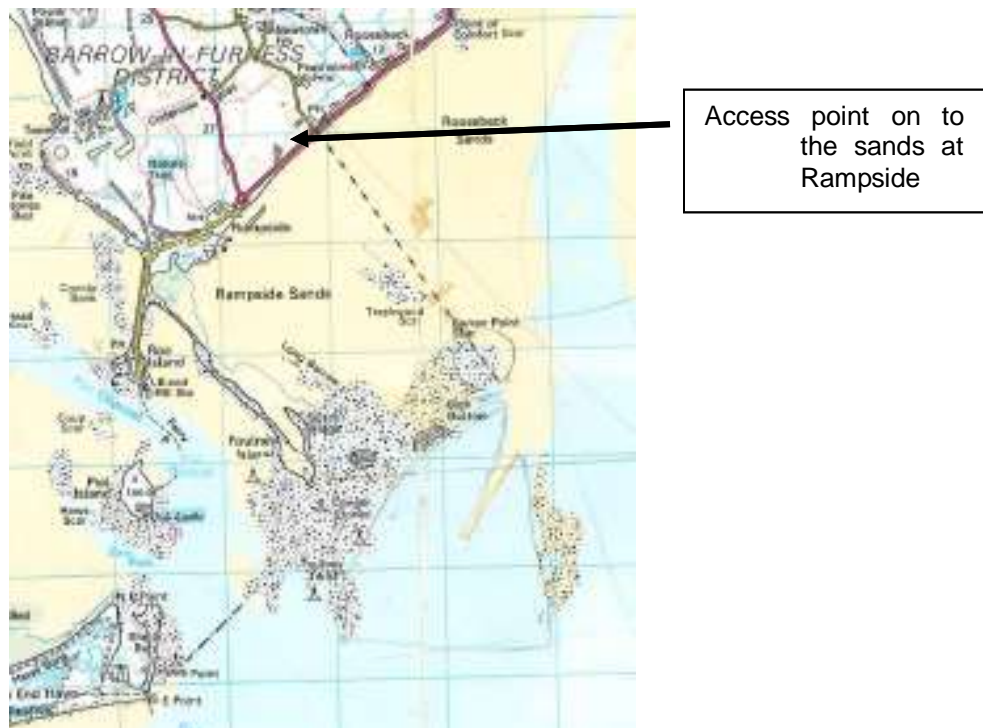


Fig. 4. Illustration of position of designated access point from Coast Road at Rampside on to Foulney mussel beds.

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28TH November 2012